

REPORT - PLANNING COMMISSION MEETING
January 9, 2003

Project Name and Number: Union 76 Remodel and Carwash (MIS2003-00487)

Applicant: Khosrow Roy Hifai

Proposal: Extension of time for Conditional Use Permit PLN2000-00343 for the remodel and conversion of a gasoline service station to a gas station/food mart with a drive through car wash.

Recommended Action: Approve a two year extension

Location: 46840 Warm Springs Boulevard in the Warm Springs Planning Area

Assessor Parcel Number(s): 519-1692-004-00

Area: Lot Size—20,090 square feet; Building Size—1,605 square feet

Owner: Same as Applicant

Agent of Applicant: None

Consultant(s): None

Environmental Review: A mitigated negative declaration was previously adopted for this project.

Existing General Plan: Community Commercial

Existing Zoning: C-C, Community Commercial

Existing Land Use: Gasoline Service Station

Public Hearing Notice: Public hearing notification is applicable. A total of 127 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Mission Boulevard, Warm Springs Boulevard, Shale Common, Wenatchee Common, and Shaniko Common. The notices to owners and occupants were mailed on December 30, 2002. A Public Hearing Notice was delivered to The Argus on December 18, 2002 to be published by December 30, 2002.

Background and Previous Actions: A gasoline and service station has been in operation at the site since 1965.

In 1987, the Planning Commission approved a Conditional Use Permit (U-87-18) and a Negative Declaration (EIR-87-76) to change the service station vendors and to replace the underground storage tanks.

In September of 2000, the Planning Commission approved Conditional Use Permit PLN2000-00343 for the remodel and conversion of the standard gasoline service station to a gasoline/mini-mart station with a carwash.

In September of 2000, as part of the City's five year Capital Improvement Plan (CIP), the City awarded the Granite Construction Company a construction contract [City Project No. 778 (PWC)] to construct complete street improvements across the gasoline service station's frontage. The improvements to the street are virtually completed, except for some minor modifications that should be completed within the next few months. However, those minor modifications should have no bearing on adjacent properties or traffic circulation.

In February of 2001, the applicant submitted plans to the City's Development Organization (D.O.) for the remodel and conversion improvements to the existing gasoline service station for a building permit. D.O. staff provided the applicant with comments. The applicant is in the process of responding to staff comments and will resubmit plans for review by the Development Organization.

Project Description: The applicant requests an extension of time to extend the duration of approval for Conditional Use Permit PLN2000-00343 to allow additional time to acquire necessary funding for improvements to the existing gasoline service station. The applicant indicates that due to the Warm Springs Boulevard street improvements and the surrounding commercial development (Safeway at the Franciscan Shopping Center), a decline in revenue that would otherwise be normally generated by the station resulted in the delay of the project.

Project Analysis: Staff recommends that the Planning Commission extend the duration of approval for the Conditional Use Permit to allow the applicant to acquire funding for the project. The improvements to the existing gasoline station should enhance the site and be more compatible with the new surrounding development. As such, staff recommends that an extension of two years from the date of this report be granted to the applicant for the proposed development. This should allow the applicant sufficient time to generate funding and begin construction.

The complete analysis of this project can be found in staff report PLN2000-00343 attached as an enclosure for the Planning Commission. Because the project will remain consistent as previously approved by the Planning Commission, no further review is required as part of this report.

Enclosures: Exhibit "A" (PLN2000-00343 Site Plan, Floor Plan and Elevations)
Informational 1 (Applicant's Extension of Time Request)
Informational 2 (Report PLN2000-00343)

Exhibits: Exhibit "A" (PLN2000-00343 Site Plan, Floor Plan and Elevations)
Exhibit "B" (First Amendment to Exhibit "B" [Conditions of Approval] for PLN2000-00343)

Recommended Actions:

1. Hold public hearing.
2. Find that no changes to the previously adopted Conditional Use Permit [PLN2000-00343] are request by the applicant.
3. Find that the previous adopted Mitigated Negative Declaration is still appropriate for this project and that no further review is required.
4. Approve MIS2003-00487, amending Condition A-14 to extend the duration of approval for the Conditional Use Permit two years from the date of this report, and deleting Conditions A-1, E-1 and E-2 as they are no longer applicable, as indicated in Exhibit "B" of PLN2000-00343.

EXHIBIT "B"
(MIS2003-00487)
First Amendment to Conditional Use Permit PLN2000-00343
Union 76 Gasoline Station
46840 Warm Springs Boulevard
January 9,2003

General Condition:

All conditions adopted by the Planning Commission on September 14, 2000 for PLN2000-00343 (Conditional Use Permit) not modified herein must be satisfied.

Condition A-14 shall be amended to read:

A-14. ~~This Conditional Use Permit (CUP) shall be valid for one year from the date of approval, however, it may be extended by the Planning Commission with a written request and payment of fee by the applicant. If implemented within the first year or subsequent extensions granted by the Planning Commission, the CUP shall be valid for the duration of the use.~~ The duration of approval for this Conditional Use Permit shall be valid for two years from the date of this amendment. Any subsequent extensions will require an amendment to the Conditional Use Permit and shall be subject to the review and approval of the Planning Commission. If implemented within the time extension granted by the Planning Commission, the CUP shall be valid for the duration of the use.

Conditions A-1, E-1 and E-2 are deleted (no longer applicable):

~~A-1. Approval of the Conditional Use Permit shall be effective only after compliance with the requirements of Public Resources Code, Section 21089, pertaining to payment of fees to the California Department of Fish and Game, to be submitted with the *Environmental Notice of Determination*, **due within five (5) working days after the project approval**. The applicant shall provide to the Development & Environmental Services Department the \$25.00 fee in check form, made payable to the **Alameda County Clerk**.~~

~~E-1. If the City Council does not award the construction contract for City Project 7778(PWC), the developer shall dedicate right of way and install complete street improvements to the centerline of Warm Springs Boulevard across the site's frontage in accordance with the City's Street Right of Way and Improvement Ordinance.~~

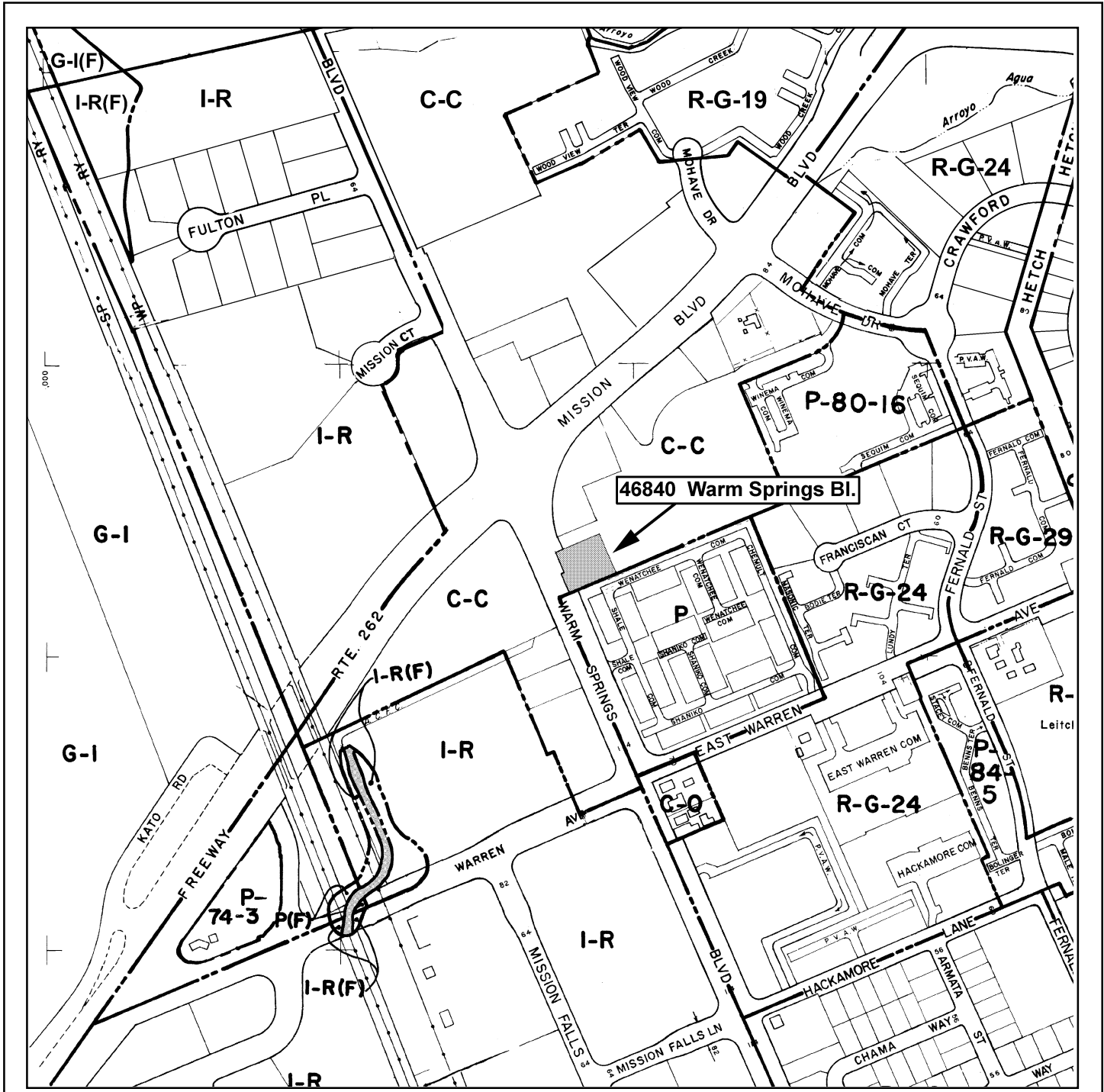
~~E-2. If building permits are issued prior to completion of the City's project 7778(PWC), the developer shall coordinate all work so as not to interfere or cause delays to the City's street improvement project.~~

INFORMATIONAL

Location Map

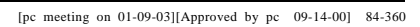


1" = 500'



[pc meeting on 01-09-03][approved by pc on 09-14-00] 84-360

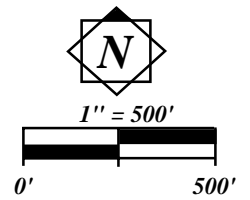
Present Zoning C-C	Existing Land Use Service Station	Area 1,576 SF (Site)
Surrounding Zoning C-C, P-80-16, R-G-24, P	Surrounding Land Use Commercial, Residential	Property Owner(s) Roy Hifai
General Plan Designation Community Commercial	Proposed Land Use/Project Service Station with Car Wash and Food Mart	Applicant(s) Randall Moore



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INFORMATIONAL

Existing General Plan



[pc meeting on 01-09-03][Approved by pc 09-14-00] 84-360

Present Zoning C-C	Existing Land Use Service Station	Area .46 Acres (Site) 1,576 SF (Building)
Surrounding Zoning C-C, P-80-16, R-G-24, P	Surrounding Land Use Commercial, Residential	Property Owner(s) Roy Hifai
General Plan Designation Community Commercial	Proposed Land Use/Project Extension of time for a Conditional Use Permit of a Service Station with Car Wash and Food Mart	Applicant(s) Randall Moore c/o Sutton Associates

